

CITY OF SOUTH FULTON, GEORGIA
South Fulton Service Center Auditorium, 5600 Stonewall Tell Road
Tuesday, January 9, 2018, 7:00pm



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PUBLIC NOTICE

**The Mayor and City Council invite you to
our next City Council Meetings**

TUESDAY, JANUARY 09, 2018

**5:00 PM - Work Session
7:00 PM - Regular Meeting**

**South Fulton Service Center Auditorium
5600 Stonewall Tell Road
College Park, GA 30349**

If you have any questions or concerns, please contact the City of South Fulton, City Hall at www.cityofsouthfultonga.gov or call 470-809-7712.



The Honorable William “Bill” Edwards, Mayor
The Honorable Catherine F. Rowell, District 1, Mayor Pro Tem
The Honorable Carmalitha Gumbs, District 2 Councilmember
The Honorable Helen Z. Willis, District 3 Councilmember
The Honorable Naeema Gilyard, District 4 Councilmember
The Honorable Rosie Jackson, District 5 Councilmember
The Honorable khalid kamau, District 6 Councilmember
The Honorable Mark Baker, District 7 Councilmember

REGULAR MEETING AGENDA

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Approval of the Consent Agenda
 - a. Meeting Minutes – Tuesday, December 12, 2017 (Work Session and Regular Meeting)
 - b. Meeting Minutes – Thursday, December 28, 2017 (Special Called Meeting)

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- c. Proclamation – Elbert Lewis Outlaw Appreciation Day, December 21, 2017. **(Jackson)**
 - d. Board Appointment – Fulton Industrial CID
 - i. Appointment of Ms. Benita Chinn **(Edwards)**
- 5. Approval of the Regular Meeting Agenda
- 6. Proclamations and Recognitions
 - a. Proclamation recognizing Chief Gary Stiles Appreciation Day, January 9, 2018. **(Willis)**
 - b. Proclamation recognizing Q Parker and Brothers United Appreciation Day, January 9, 2018. **(Baker)**
- 7. Public Comment
 - a. Speakers will be granted up to two minutes each and public comment will not exceed 30 minutes. Speakers will not be allowed to yield or donate their time to other speakers.
- 8. Business
 - a. **Resolutions**
 - i. Resolution appointing the Office of the Interim City Attorney as Parliamentarian; setting the date of appointment; and for other purposes. **(Res2018-001)**
 - ii. Resolution appointing _____ as Mayor Pro Tempore; setting the date of appointment of said Mayor Pro Tempore; and for other purposes. **(Res2018-002)**
 - iii. Resolution to adopt the Community Development Services Department’s 2018 Calendars for Rezoning, Modifications and Variances for the Mayor and Council of the City of South Fulton, Georgia to comply with the Georgia Open Meetings Act and for various other purposes. **(Res2018-003)**

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- iv. Resolution approving a Joint Resolution to transfer jurisdiction of Fulton County, Georgia's Fire and Rescue Department to the City of South Fulton; and for other purposes. **(Res2018-004)**

b. Ordinances

- i. **[RECONSIDERATION]** Ordinance to Amend the Charter of the City of South Fulton Amending Section 1.10 Changing the Name of the City to the City of "**Renaissance**". **(Ord2017-037)**
- ii. **[2nd READING]** Adoption of Ordinance establishing Historic and Cultural Landmarks Commission for the City of South Fulton. **(Rowell – Ord2017-040)**
- iii. **[2nd READING]** Amendment to Ord2017-031, Ethics Ordinance. **(Gumbs – Ord2017-041)**
- iv. **[1st READING]** An Ordinance to establish regulations for Hotels, Motels and Extended Stay Hotels; to provide for severability; to repeal conflicting Ordinances; to provide an effective date; and for other purposes. **(Rowell – Ord2018-001)**

- 9. City Manager's Weekly Update
- 10. Mayor and City Council Comments (Two Minutes Each)
- 11. Adjournment



The Honorable William “Bill” Edwards, Mayor (present)
The Honorable Catherine F. Rowell, District 1, Mayor Pro Tem (present)
The Honorable Carmalitha Gumbs, District 2 Councilmember (present)
The Honorable Helen Z. Willis, District 3 Councilmember (present)
The Honorable Naeema Gilyard, District 4 Councilmember (present)
The Honorable Rosie Jackson, District 5 Councilmember (present)
The Honorable khalid kamau, District 6 Councilmember (present)
The Honorable Mark Baker, District 7 Councilmember (present)

WORK SESSION MINUTES

The meeting was called to order by Mayor Edwards at 5:03pm.
The roll was called by the Deputy City Clerk Jewell Grubbs. All members were present, therefore there was a quorum.

- **Planning Orientation for City Council by ARC**

The meeting began with a PowerPoint presentation by Mr. Sidney Douse, Mr. Jared Lombard and Ms. Allison Duncan, from Atlanta Regional Commission (ARC) who discussed planning and zoning. The Powerpoint presentation within the Agenda Packet was

not used; however, ARC distributed a Zoning Issues PowerPoint Presentation to Mayor, Council and staff for the discussion.

- **Legal Counsel**

City Attorneys David Dove and Kimberly Anderson gave a PowerPoint presentation regarding legal issues.

- **Executive Session, if necessary**

A motion was made by Councilmember Gilyard and seconded by Councilmember Baker to conduct a closed Executive Session regarding Personnel and Real Estate. A friendly amendment was made by Councilmember Willis to add litigation. The friendly amendment was accepted. The motion passed unanimously, 7-0-0.

A motion was made by Councilmember Baker and seconded by Councilmember Gilyard to close the Executive Session. The motion passed unanimously, 7-0-0.

The Work Session adjourned at 7:07pm.



DIVIDER SHEET



The Honorable William “Bill” Edwards, Mayor (present)
The Honorable Catherine F. Rowell, District 1, Mayor Pro Tem (present)
The Honorable Carmalitha Gumbs, District 2 Councilmember (present)
The Honorable Helen Z. Willis, District 3 Councilmember (present)
The Honorable Naeema Gilyard, District 4 Councilmember (present)
The Honorable Rosie Jackson, District 5 Councilmember (present)
The Honorable khalid kamau, District 6 Councilmember (present)
The Honorable Mark Baker, District 7 Councilmember (present)

REGULAR MEETING MINUTES

1. Call to Order

The meeting was called to order by Mayor Edwards at 7:07pm. The roll was called by the Deputy City Clerk Jewell Grubbs. All members were present, therefore there was a quorum.

2. Invocation

The Invocation was rendered by Pastor Warren T. Henry.

3. Pledge of Allegiance

The Pledge of Allegiance was recited in unison.

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4. Approval of the Consent Agenda

- a. Meeting Minutes – Tuesday, November 28, 2017 (Work Session and Regular Meeting)
- b. Proclamation – Popular Spring UMC Appreciation Day **(Edwards)**
- c. Proclamation – Wayne Wright Appreciation Day **(Edwards)**

A motion was made by Councilmember Gilyard and seconded by Councilmember Gumbs to approve the Consent Agenda as presented. The motion passed unanimously, 7-0-0.

5. Approval of the Regular Meeting Agenda

A motion was made by Councilmember Jackson and seconded by Councilmember Gilyard to approve the Regular Meeting Agenda as amended adding all City Councilmembers as co-sponsors for a Proclamation in recognition of Georgia State Senator Donzella James. The motion passed unanimously, 7-0-0.

6. Proclamations and Recognitions

- a. Proclamation – Senator Donzella James Appreciation Day **(Edwards, Rowell, Gumbs, Willis, Gilyard, khalid & Baker)**

PRESENTED

7. Public Comment

- a. Speakers will be granted up to two minutes each and public comment will not exceed 30 minutes. Speakers will not be allowed to yield or donate their time to other speakers.

The following thirty-seven (37) Citizens offered public comment:

- **Mr. Clinton Keyton Doesn't agree with how the City name came about, paying for council assistants, firing the Interim City Manager and there is a need to be more transparent. (D4)**

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- **Ms. Tracye Rolle** regarding public safety ordinances and unconstitutional issues with regard to fines/fees. (D1)
- **Ms. Brender Dennis** regarding Old Town Villa Apartment's eviction paperwork received and the turnover of the property.
- **Mr. Jarman Bryant** regarding disapproval of the Resolution to have this City to meet in Union City.
- **Ms. Santorius Moncrief** regarding Old Town Villas Apartment's 30-day eviction notices.
- **Ms. Brenda Jenkins** supports the Ordinance to rename City to Renaissance and regarding the need to setup police and fire vehicles. (D7)
- **Ms. Myra Burnett** regarding opposition of changing the name of the City of South Fulton to Renaissance. (D1)
- **Mr. Dana Thomas** regarding the police department's slow response time for help. Only one (1) police officer responded to a rape incident report. (D2)
- **Ms. Sherry Carson** disagrees with the name Renaissance. (D2)
- **Mr. Michael Wade** in disagreement with the new name Renaissance. Safety issue with school buses being parked in the right turning lane near E. C. West Elementary School, lacks proper signage. (D4)
- **Ms. Vangie Watkins** regarding process of renaming the City. Was the process inclusive, was it transparent, and was it geographically diverse. With respect to the Consultants, was it fair and were the results accurate. (D1)
- **Ms. Glenda Collins** regarding the need for an Ordinance to control 18-wheeler trucks. Large signs are needed for enforcement and police need to be present. (D5)
- **Mr. Steven Scoleri** regarding fair citizen involvement in naming the City. He supports the petition against the name for the City. Also, 911 calls get bounced around. (D3)
- **Ms. Wanda Mosley** regarding the selection of the City name and being included in the process, opposes the name Renaissance. (D3)
- **Ms. Pamela Harvey** regarding the process of selecting a new City name.

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- **Mr. Kenneth Joe, Sr.** regarding decisions we made that need to be respected. Would like to see best people hired and eliminate nepotism, City needs to hire a City Attorney and put City checkbook, including invoices online.
- **Mr. Mike Taylor** regarding the new City name and the need to move on to other business of the City. (D4)
- **Mr. Keith Perry** allow for a referendum on March 20, 2018, for the new City name. (D2)
- **Rev. Jacob Maxey** Housing Authority Commissioner, needs to be an Ordinance to prevent people from buying property and putting people out in the cold. (D7)
- **Ms. Joyce Armster** concern with Old National Hwy and the need to have it cleaned-up and the need to serve code violations. (D6)
- **Ms. Harriet Bryant** would like to see the name South Fulton retained. (D2)
- **Ms. Linda Porter** regarding the name Renaissance, she prefers Atlanta Heights. (D3)
- **Ms. Kendall Kenny** regarding the name and why rush now. Has a petition against the name, Renaissance, with 1,100 signatures. (D1)
- **Mr. Jamie Wilson** regarding the name Renaissance and would like the Council to reconsider. (D3)
- **Mr. Michael McCoy** was part of the Naming Committee for the City. Concerns regarding names to choose from.
- **Ms. Kemnetta Pillette** concerned with the hiring of a City Manager, Police Chief and Communications Director.
- **Ms. Bernice Gordon-Rucker** regarding ratifying the City name of Renaissance, consider moving employees over from the County, and posting City boundaries around the City.
- **Ms. Mary & Tina Criss** concerned with cleaning up the streets of our City. During a Code Enforcement Board meeting today, discussions of renaming the City brought up several other names. (D2)
- **Ms. Norma Pryor** concern with no lights at Butner/Camp Creek intersection. The Horse ranch on Butner Road allows horses on the street which endanger drivers and the horses. Received

no contact from her Councilperson on naming the City, would like Council to reconsider. (D3)

- Ms. T. Crawford regarding the expense to redo the process and logo for the City. (D4)
- Mr. Marcus Coleman concern with Councilmember Willis' Ordinance and the fines are too punitive, hold off on this. Naming the City and selection of a City Seal should be taken slow and get it right.
- Mr. Arnold Jiggetts concerns with protection of City borders, establishing guidelines for our partners/neighboring jurisdictions and accountability of Councilmember Willis' Ordinance which may be illegal. (D4)
- Ms. Barbara Hall regarding selection of a City name and the constituents involvement. The name should be marketable for the City's growth. The name Wolf Creek would give the City more strength. (D3)
- Ms. Tracye Bryant concerned with naming of the City and allowing everyone to have a vote on the name. Also, greater consideration should be given to potential businesses that would consider the area for potential growth. (D3)
- Mr. Marshall Taggart, Jr. regarding the City name. would like to keep the name South Fulton until the citizens can vote on a name. Requested the Mayor to veto the action. (D2)
- Mr. John Jones regarding a need for greater cooperation between neighboring Cities.
- Mr. Walter Kimbrough Was originally opposed to the creation of the City. Concerned with how we will be defined. Will we let a name define us, or will we define the name. Decisions have to be made on naming the City. (D1)

8. Discussion Items

- a. Clarification on voting process to select a name for the City
(Edwards)

DISCUSSED

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- b. General discussion on how best to involve the citizens in the voting process to select a City Seal **(Baker)**

DISCUSSED

A motion was made by Councilmember Baker and seconded by Councilmember Willis to leave all branding of the City to Ms. Bunnie Jackson-Ransom and VIVO360, and allow the City Clerk to submit a plan to the City Council for their consideration. The motion passed unanimously, 7-0-0.

9. Business

a. Resolutions

- i. Resolution approving the Memorandum of Understanding between the City of South Fulton/Renaissance and Union City for the use of Union City's Court Facilities. **(Res2017-076) Originally heard on 11/28/2017.**

A motion was made by Councilmember Willis and seconded by Councilmember khalid to approve a substitute Res2017-076. Mayor Pro Tem Rowell and Councilmembers Gumbs, Willis, Gilyard, khalid and Baker voted yea. Councilmember Jackson voted no. Therefore, the motion passed, 6-1-0.

A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember khalid to establish an effective date (Paragraph 7) for Res2017-076, as of the date of execution. Mayor Pro Tem Rowell and Councilmembers Gumbs, Willis, Gilyard, khalid and Baker voted yea. Councilmember Jackson voted no. Therefore, the motion passed, 6-1-0.

- ii. Resolution to Encourage the General Assembly to Respect Existing Municipal Borders; to Urge the General Assembly to Repeal the 1950 Local Constitutional Amendment to Prevent the Fulton Industrial District from being in a

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Municipality; and for Other Purposes. **(Edwards & Gilyard
- Res2017-078)**

A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Willis to adopt/approve Res2017-078. The motion passed unanimously, 7-0-0.

Whereupon, Mayor Edwards recognized from the audience, newly-elected Fulton County Chairman Robb Pitts, Georgia State Representative Debra Bazemore and Georgia State Representative William Boddie.

- iii. **Resolution to Approve the Installation of No Parking Signs on the 6300 Block of Stonelake Drive. (Gumbs – Res2017-079)**

A motion was made by Councilmember Gumbs and seconded by Councilmember Gilyard to approve Res2017-079. The motion passed unanimously, 7-0-0.

- iv. **Resolution to add Membership in a Fund of Georgia Interlocal Risk Management Agency (GIRMA); and For Other Purposes. (Res2017-080)**

A motion was made by Councilmember Willis and seconded by Councilmember Baker to approve Res2017-080. The motion passed unanimously, 7-0-0.

b. Ordinances

- i. **[2nd READING] Ordinance to Amend the Charter of the City of South Fulton Amending Section 1.10 Changing the Name of the City to the City of “Renaissance”. (Ord2017-037)**

A motion was made by Councilmember khalid and seconded by Councilmember Jackson to approve Ord2017-037. Councilmembers

Gilyard, Jackson, khalid and Baker voted yea. Mayor Pro Tem Rowell and Councilmembers Gumbs and Willis voted no. Therefore, the motion passed, 4-3-0.

- ii. **[2nd READING]** Adoption of Insurance Premium Taxation.
(Ord2017-038)

A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Gumbs to approve Ord2017-038. The motion passed unanimously, 6-0-0. During the vote, Councilmember Gilyard was not present.

- iii. **[2nd READING]** Ordinance to establish the convening of the
Municipal Court at regular intervals. **(Ord2017-039)**

A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Baker to approve Ord2017-039. The motion passed unanimously, 6-0-0. During the vote, Councilmember Gilyard was not present.

- iv. **[1st READING]** Adoption of Ordinance Establishing Historic
and Cultural Landmarks Commission for The City of South
Fulton. **(Rowell – Ord2017-040)**

Mayor Pro Tem Rowell gave a brief presentation regarding the proposed Ordinance.

- v. **[1st READING]** Amendment to Ord2017-031, Ethics
Ordinance. **(Gumbs – Ord2017-041)**

City Attorney representative David Dove gave a presentation regarding the proposed Ordinance.

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A motion was made by Councilmember Gumbs and seconded by Mayor Pro Tem Rowell to amend/alter (add back in) the language that was struck under Sec. 1-5012. (f) Decorum for City Council Meetings. The motion passed unanimously, 6-0-0. During the vote, Councilmember khalid was not present.

10. City Manager's Weekly Update
 - a. TAN Payment update – CFO Frank Milazi

PRESENTED

Mayor Pro Tem Rowell requested the City Council to meet again on next Tuesday, December 19, 2017, or on some other date, in order to consider taking action as requested by the CFO with respect to approving a payment on a Tax Anticipation Note with Iberia Bank by the end of the month.

Councilmember khalid requested actual costs or projections, as well as the source of funds (budget line items) for branding Fire and Police. He would also like to see a range of costs for transitioning Parks and Recreation, based on different potential dates.

- ~~11. Mayor and City Council Comments (Two Minutes Each)~~

12. Executive Session regarding Potential Litigation

A motion was made by Councilmember Willis and seconded by Mayor Pro Tem Rowell to recess for an Executive Session regarding one litigation matter. Hearing no objections, the motion passed unanimously, 7-0-0.

The Executive Session began at 10:26pm.

A motion was made by Councilmember Gumbs and seconded by Councilmember Jackson to close the Executive Session. The motion passed unanimously, 6-0-0. During the vote, Councilmember khalid was not present.

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13. Adjournment

A motion was made by Councilmember Gumbs and seconded by Councilmember Willis to adjourn the Regular Meeting. The motion passed unanimously, 6-0-0. During the vote, Councilmember khalid was not present.

The Regular Meeting was adjourned at 10:44pm.



The Honorable William “Bill” Edwards, Mayor (present)
The Honorable Catherine F. Rowell, District 1, Mayor Pro Tem (present)
The Honorable Carmalitha Gumbs, District 2 Councilmember (present)
The Honorable Helen Z. Willis, District 3 Councilmember (present)
The Honorable Naeema Gilyard, District 4 Councilmember (present)
The Honorable Rosie Jackson, District 5 Councilmember (present)
The Honorable khalid kamau, District 6 Councilmember (present)
The Honorable Mark Baker, District 7 Councilmember (present)

SPECIAL CALLED MEETING MINUTES

The meeting was called to order by Mayor Edwards at 5:00pm.
Following the roll call, all members were present.

- 1. Request approval of Tax Anticipation Notes (TANs)**

The initial discussion was tabled to allow more time for the Bond Counsel to arrive.

Following the discussion of lobbying, this matter was considered.
Bond Counsel Attorney Doug Selby, Hunton & Williams, and the
Financial Advisor Ed Wall presented the request to authorize the sale of

tax anticipation notes to pay-off, in part, existing obligations and carry the City through until such time as the taxes come in.

The recommendation from Mr. Wall is to pay-off the existing TANs (\$9 million and \$3 million) by January 2, 2018, and renew them with a new TAN to be paid off by December 31, 2018 (maturity date), with an interest rate of 2.8%.

A motion was made by Mayor Pro Tem Rowell and seconded by Councilmember Gilyard to approve the Tax Anticipation Note with Iberia Bank in the amount of \$12 million. The motion passed unanimously, 7-0-0.

2. Consideration of Lobbying for Upcoming Legislative Session

The Mayor entertained a discussion with the members of the City Council regarding their interests and pleasure with respect to lobbying the State Legislature for the upcoming legislative session.

Mayor Pro Tem Rowell recommended that the Council begin with identifying a legislative agenda first. Discussion was then held regarding whether or not the Council wanted to hire a lobbyist or a firm.

Mayor Pro Tem Rowell indicated that there is only one big issue, Fulton Industrial District. Her recommendation is that the City focus on that issue.

Councilmember Willis indicated that the annexation of the Loch Lomond area and pending litigation is another important issue.

Mayor Edwards indicated that there are big issues that may be going on in the State (outside of our borders) that may also affect the

City of South Fulton. Mayor Pro Tem Rowell asked if the Georgia Municipal Association (GMA) could help in any way.

Councilmember khalid indicated that tax exemption issues, primarily targeted in North Fulton, may also be an important issue.

The issue of costs/structure was then discussed by the City Council and the City Attorney's office.

Mayor Edwards requested the City Attorney's Office to send the City Council a recommendation for lobbying with figures/cost by the January 9, 2018 meeting. The Mayor will collect information and feedback on what the legislative agenda might be, to include the Fulton Industrial District issue, realizing that the Legislative Session begins on January 8, 2018.

Mayor Pro Tem Rowell clarified that her interest was to get a price quote from the Robbins Firm, understanding the landscape, to represent the City for lobbying at the State Legislature.

3. Executive Session regarding Personnel

A motion was made by Councilmember Willis to close for Executive Session regarding Personnel, Litigation and Real Estate, and any other matters that need to be discussed. The motion was withdrawn/rescinded by Councilmember Willis.

A motion was made by Councilmember Willis and seconded by Councilmember Gumbs to close for Executive Session regarding Personnel. The motion passed unanimously, 7-0-0.

The Executive Session began at 5:33pm.

The Executive Session ended at 6:58pm.

In Open Session:

A motion was made by Councilmember Willis and seconded by Councilmember Baker to close the Executive Session. The motion passed unanimously, 7-0-0.

As a result of action taken during the Executive Session regarding Personnel the City Clerk announced the following:

A motion passed during Executive Session to remove the requirement for the Legislative Specialists to submit weekly activity reports, and to only report hours worked, consistent with all other City employees.

4. Adjournment

A motion was made by Councilmember khalid and seconded by Councilmember Gilyard to adjourn. The motion passed unanimously, 7-0-0.

The meeting adjourned at 7:00pm.



City of South Fulton

WHEREAS, Coach Elbert “Al” Lewis Outlaw was born October 11, 1951 to George L. Outlaw and Mary Elizabeth Roberson in Windsor, North Carolina. He was married to his eternal soul mate, the former Sharon Dewberry, who faithfully stood by his side through sickness and health until his transition from life to death. A loving daughter, Elizabeth Outlaw, was born from this union.

WHEREAS, Elbert “Al” Outlaw, known by many as Coach Law, was a four-year starter at point guard, as well as an All-American baller at Elon College in Elon, North Carolina. While at Elon College, Coach Law played against future NBA stars World B. Free and M.L. Carr and future college coaches Tubby Smith and Rich Barnes.

WHEREAS, Coach Law graduated from Elon as an honor graduate, with a B.A. degree in Social Science and a double minor in English and Political Science. After college, Coach Law was commissioned as a second lieutenant in the United States Marine Corps, where he spent four years training drill instructors and recruits at Parris Island, South Carolina.

WHEREAS, During his career, Coach Law was Associate Head Coach at Morris Brown College; Founder of the Greatest Pro-Am Basketball Leagues (Atlanta); Owner, General Manager and Head Coach of the United States Basketball League’s Atlanta Eagles and Atlanta Trojans; President/Executive Director of the Team Georgia Basketball Club; and Athletic Director/Manager of the Team Georgia Basketball Club.

WHEREAS, While serving as Athletic Director/Manager of Fulton County Sports Programs, Coach Law was Community Center Director at Burdett Park from 1980-1998. He retired in 2015 after thirty-five years with the Fulton County Department of Parks and Recreation.

WHEREAS, Coach Law worked tirelessly to ensure basketball players had a platform to display their talent, skills and ability. This platform led to scholarships that resulted in productive and successful men and women. Coach Law always emphasized the importance of academics and worked with parents and players to ensure the best was achieved both academically and athletically.

WHEREAS, Coach Law mentored a generation of youth in our community, not only in basketball, but also as a teacher, advisor, and father figure. Although, he was a fierce competitor in sports, Outlaw’s philosophy of life was basic and simple: Put God first in all of your pursuits; be thankful for the little things; and treat others the way you want to be treated.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and the City Council of the City of South Fulton recognizing a legacy of more than 30 years of service to the South Fulton Community by Coach Elbert “Al” Outlaw, hereby proclaim Thursday, December 21, 2017, as the “**1st ANNUAL ELBERT OUTLAW HOLIDAY CLASSIC APPRECIATION DAY**” in the City of South Fulton, Georgia.

Councilwoman Rosie Jackson, District 5



City of South Fulton

WHEREAS, Gary D. Stiles began his law enforcement career with the Fulton County Police Department in 1985; and

WHEREAS, Upon joining Fulton County Police Department in 1985, Gary Stiles has served as a Corporal, Field Training Supervisor, Lieutenant, Captain, Major, Deputy Chief, Assistant Chief and Interim Chief prior to being appointed Chief of Police; and

WHEREAS, Chief Stiles acts as the Fulton County liaison with the Federal, State, and Local law enforcement agencies in all matters of local, regional, and national security; and

WHEREAS, Chief Stiles has led the department since November, 2015, and has been instrumental to the transition of South Fulton to Cityhood; and

WHEREAS, As police chief, Mr. Stiles created the Special Operations Division to address street crime, added the department's first crime analyst position, purchased and issued an integrated body and in-car camera system, and created and implemented a countywide crime fighting initiative to combat an inter-jurisdictional crime spree; and

WHEREAS, Chief Gary Stiles worked with a community taskforce to target repeat offenders, which led to a reduction of slider crimes by 40 percent in the City of South Fulton; and

WHEREAS, Chief Stiles announced his retirement from the department effective December 12, 2017 concluding 32 years of faithful service to Fulton County and its citizens.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and the City Council of the City of South Fulton honors the years of service Gary D. Stiles has provided to the citizens of Fulton County and, hereby proclaim Tuesday, January 9, 2018, as "**CHIEF GARY D. STILES APPRECIATION DAY**" in the City of South Fulton, Georgia.

Councilwoman Helen Z. Willis, District 3



CITY OF SOUTH FULTON
COMMISSION AGENDA ITEM



SUBJECT: Parliamentary Resolution

DATE OF MEETING: 1/9/2018

DEPARTMENT: REQUESTED BY CITY CLERK

Work Session ()
Regular Meeting (X)
Recommendation ()
Policy/Discussion ()
Presentation ()
Other ()

BACKGROUND: (HISTORY, FACTS AND ISSUES)

ANNUAL RESOLUTION APPOINTING PARLIAMENTARIAN

RECOMMENDED ACTION:

DEPARTMENT HEAD: _____ **DATE:** _____

BUDGET:

FUNDING SOURCE:

FINANCE APPROVAL: _____ **DATE:** _____

ADMINISTRATIVE COMMENTS AND RECOMMENDATION: _____

CITY MANAGER

DATE

Action Taken By Council: _____

STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON

RESOLUTION NO. 2018-001

RESOLUTION APPOINTING THE OFFICE OF THE INTERIM CITY ATTORNEY AS PARLIAMENTARIAN; SETTING THE DATE OF APPOINTMENT; AND FOR OTHER PURPOSES.

WHEREAS, the City of South Fulton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia and is charged with providing public services to residents located within the corporate limits of the City; and

WHEREAS, the City Council desires to appoint the Office of the Interim City Attorney as Parliamentarian for the City Council; and

WHEREAS, upon the request of the presiding officer, the Parliamentarian advises the presiding officer on matters related to parliamentary procedure; and

WHEREAS, the City Council finds that the foregoing appointment is necessary and beneficial to its citizens and to the efficient operation of the City.

THEREFORE, IT IS NOW RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOUTH FULTON, GEORGIA, AS FOLLOWS:

1. **Appointment** - The City Council of the City of South Fulton hereby appoints the Office of the Interim City Attorney as Parliamentarian of the City of South Fulton. The Parliamentarian shall begin the appointment on January 9, 2018, and shall serve as Parliamentarian until the first regular meeting of the city council in the immediately following calendar year.
2. **Approval of Execution** - The Mayor is hereby authorized to sign all documents and to perform all other acts necessary to effectuate this Resolution on behalf of the City of South Fulton. The City Clerk is authorized to execute, attest to, and seal any document that may be necessary to effectuate this Resolution, subject to approval as to form by the Interim City Attorney.
3. **Severability** - To the extent, any portion of this Resolution is declared invalid, unenforceable, or non-binding, that shall not affect the remaining portions of this Resolution.
4. **Repeal of Conflicting Provisions** - All City resolutions inconsistent with this Resolution are hereby repealed.
5. **Effective Date** - This Resolution shall take effect immediately.

The foregoing Resolution No. **2018-001**, adopted on _____ was offered by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell, Mayor Pro Tem	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS RESOLUTION adopted this _____ day of _____ **2018.** **CITY OF SOUTH FULTON, GEORGIA.**

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

Item# Res2018-001 Date ____/____/____

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY



CITY OF SOUTH FULTON
COMMISSION AGENDA ITEM



SUBJECT: Mayor Pro Tem Resolution

DATE OF MEETING: 1/9/2018

DEPARTMENT: REQUESTED BY CITY CLERK

Work Session ()
Regular Meeting (X)
Recommendation ()
Policy/Discussion ()
Presentation ()
Other ()

BACKGROUND: (HISTORY, FACTS AND ISSUES)

ANNUAL RESOLUTION APPOINTING MAYOR PRO TEMPORE

RECOMMENDED ACTION:

DEPARTMENT HEAD: _____ **DATE:** _____

BUDGET:

FUNDING SOURCE:

FINANCE APPROVAL: _____ **DATE:** _____

ADMINISTRATIVE COMMENTS AND RECOMMENDATION: _____

CITY MANAGER

DATE

Action Taken By Council: _____

STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON

RESOLUTION NO. 2018-002

**RESOLUTION APPOINTING _____
AS MAYOR PRO TEMPORE; SETTING THE DATE OF APPOINTMENT OF
SAID MAYOR PRO TEMPORE; AND FOR OTHER PURPOSES.**

WHEREAS, the City of South Fulton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia and is charged with providing public services to residents located within the corporate limits of the City; and

WHEREAS, Section 3.29 of the City Charter requires the election of the Mayor Pro Tempore by the City Council at the first regular meeting of each calendar year; and

WHEREAS, pursuant to City Charter Section 3.30, during the absence or physical or mental disability of the Mayor for any cause, the Mayor Pro Tempore shall be clothed with all the rights and privileges of the mayor; and

WHEREAS, the Mayor Pro Tempore shall perform the official duties of the office of the Mayor so long as the Mayor’s absence or disability and notwithstanding any delegation of duties, the appointee shall remain responsible for the duties assigned to him/her by the City Charter and the City Council; and

WHEREAS, any such absence or disability of the Mayor shall be declared by majority vote of all councilmembers;

WHEREAS, the Mayor Pro Tempore shall sign all contracts and ordinances in which the Mayor has a disqualifying financial interest.

WHEREAS, pursuant to City Charter Sections 3.11(b) and 3.29, the City Council desires to elect _____ as the Mayor Pro Tempore; and

WHEREAS, the City Council finds that the foregoing appointment is necessary and beneficial to its citizens and to the efficient operation of the City.

**THEREFORE, IT IS NOW RESOLVED BY THE CITY COUNCIL OF THE
CITY OF SOUTH FULTON, GEORGIA, AS FOLLOWS:**

1. **Appointment** - The City Council of the City of South Fulton, pursuant to its authority under Section 3.29, of the City Charter, hereby elects _____ as Mayor Pro Tempore of the City of South Fulton. The Mayor Pro Tempore appointed hereunder shall begin the appointment on January 9, 2018, and shall serve as Mayor Pro Tempore until the first regular meeting of the city council in the immediately following calendar year.
2. **Approval of Execution** - The Mayor is hereby authorized to sign all documents and to perform all other acts necessary to effectuate this Resolution on behalf of the City of South Fulton. The City Clerk is authorized to execute, attest to, and seal any

document that may be necessary to effectuate this Resolution, subject to approval as to form by the Interim City Attorney.

3. **Severability** - To the extent, any portion of this Resolution is declared invalid, unenforceable, or non-binding, that shall not affect the remaining portions of this Resolution.
4. **Repeal of Conflicting Provisions** - All City resolutions inconsistent with this Resolution are hereby repealed.
5. **Effective Date** - This Resolution shall be effective immediately upon approval by the City Council and Mayor as provided in the City Charter.

The foregoing Resolution No. **2018-002**, adopted on _____ was offered by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell, Mayor Pro Tem	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS RESOLUTION adopted this _____ day of _____ 2018. **CITY OF
SOUTH FULTON, GEORGIA**

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

Item# Res2018-002 Date ____/____/____

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY

STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON

RESOLUTION NO. 2018-003

RESOLUTION TO ADOPT THE COMMUNITY DEVELOPMENT SERVICES DEPARTMENT'S 2018 CALENDARS FOR REZONINGS, MODIFICATIONS AND VARIANCES FOR THE MAYOR AND COUNCIL OF THE CITY OF SOUTH FULTON, GEORGIA TO COMPLY WITH THE GEORGIA OPEN MEETINGS ACT AND FOR VARIOUS OTHER PURPOSES.

WHEREAS, the City of South Fulton ("City") is a municipal corporation duly organized and existing under the laws of the State of Georgia; and

WHEREAS, the Georgia Open Meetings Act (O.C.G.A. § 50-14-1 *et seq.*) requires and encourages public notice to constituents for meetings of their government; and

WHEREAS, the Mayor and City Council have reviewed and wish to adopt the first quarter of the FY 2018 Zoning Meeting Schedule, effective from January 1, 2018 through September 30, 2018.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City as follows:

1. **Adoption of a Meeting Schedule.** That the Final FY 2018 Meeting Schedule attached hereto and incorporated herein as a part of this Resolution is hereby adopted as the Meeting Schedule for the City of South Fulton, Georgia for the 2018 Fiscal Year, which begins January 1, 2018 through September 30, 2018.
2. **Full Force and Effect.** That this Resolution shall be and remain in full force and effect from and after its date of adoption.
3. **Approval of Execution.** The Mayor is hereby authorized to sign all documents necessary to effectuate this resolution. The City Clerk is authorized to execute, attest to, and seal any document that may be necessary to effectuate this Resolution, subject to approval as to form by the Interim City Attorney.
4. **Effective Date.** This Resolution shall take effect immediately.

The foregoing Resolution No. **2018-003** adopted on _____ was offered by on _____ by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell, Mayor Pro Tem	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS RESOLUTION adopted this _____ day of _____ 2018. CITY OF
SOUTH FULTON, GEORGIA

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

Item# Res2018-003 Date ____/____/____

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY



CITY OF SOUTH FULTON, GEORGIA

2018 ZONING SCHEDULE

FILING DEADLINE DATE	COMMUNITY ZONING INFORMATION MEETING (CZIM)	PUBLIC NOTIFICATION SIGN POSTING DEADLINE	PUBLIC PARTICIPATION PLAN REPORT DUE	PLANNING COMMISSION (PC) HEARING	MAYOR AND COUNCIL (MC) HEARING
December 19, 2017*	January 25, 2018	January 31, 2018	February 16, 2018*	February 20, 2018	March 27, 2018
January 30, 2018	February 13, 2018	February 27, 2018	March 9, 2018	March 20, 2018	April 24, 2018
February 27, 2018	March 13, 2018	March 28, 2018	April 6, 2018	April 17, 2018	May 22, 2018
March 27, 2018	April 10, 2018	April 24, 2018	May 4, 2018	May 15, 2018	June 26, 2018
April 24, 2018	May 8, 2018	May 30, 2018	June 8, 2018	June 19, 2018	July 24, 2018
May 29, 2018	June 12, 2018	June 27, 2018	July 6, 2018	July 17, 2018	August 28, 2018
June 26, 2018	July 10, 2018	August 1, 2018	August 10, 2018	August 21, 2018	September 25, 2018

COMMUNITY ZONING INFORMATION MEETINGS (CZIM) ARE HELD FROM **6:00 P.M. UNTIL 7:30 P.M** AT THE SOUTH FULTON CITY HALL AT 5440 FULTON INDUSTRIAL BOULEVARD, ATLANTA, GA 30336.

PLANNING COMMISSION HEARINGS BEGIN AT **6:30 PM** AT FULTON COUNTY SOUTH SERVICE CENTER, 5600 STONEWALL TELL ROAD, ATLANTA, GA 30349.

CITY COUNCIL HEARINGS BEGIN AT **7:00 PM** AT FULTON COUNTY SOUTH SERVICE CENTER, 5600 STONEWALL TELL ROAD, ATLANTA, GA 30349.

NOTES: DATES ARE SUBJECT TO CHANGE AND MEETINGS MAY BE ADDED AS NEEDED. *DATE CHANGED DUE TO HOLIDAY

FOR THE MOST CURRENT ZONING INFORMATION PLEASE VISIT THE FULTON COUNTY ZONING PAGE: www.fultoncountyga.gov/fcpsd-home



CITY OF SOUTH FULTON, GEORGIA

2018 ZONING MODIFICATION SCHEDULE

FILING DEADLINE DATE	COMMUNITY ZONING INFORMATION MEETING (CZIM)	PUBLIC NOTIFICATION SIGN POSTING DEADLINE	PUBLIC PARTICIPATION PLAN REPORT DUE	MAYOR AND COUNCIL (MC) HEARING
December 19, 2017*	January 25, 2018	January 18, 2018*	February 16*, 2018	February 27, 2018
January 30, 2018	February 8, 2018	March 7, 2018	March 9, 2018	March 27, 2018
February 27, 2018	March 8, 2018	April 4, 2018	April 6, 2018	April 24, 2018
March 27, 2018	April 12, 2018	May 2, 2018	May 4, 2018	May 22, 2018
April 24, 2018	May 10, 2018	June 6, 2018	June 8, 2018	June 26, 2018
May 29, 2018	June 14, 2018	July 3, 2018*	July 6, 2018	July 24, 2018
June 26, 2018	July 12, 2018	August 8, 2018	August 10, 2018	August 28, 2018

THE **COMMUNITY ZONING INFORMATION MEETING** IS HELD FROM **6:00 PM TO 7:30 PM** AT THE SOUTH FULTON CITY HALL AT 5440 FULTON INDUSTRIAL BOULEVARD, ATLANTA, GA 30336.

THE **CITY COUNCIL HEARING** BEGINS AT **7:00 PM** AT FULTON COUNTY SOUTH SERVICE CENTER, 5600 STONEWALL TELL ROAD, ATLANTA, GA 30349.

NOTES: THE ABOVE DATES ARE SUBJECT TO CHANGE

***DATE CHANGE DUE TO HOLIDAY**

FOR THE MOST CURRENT ZONING INFORMATION PLEASE VISIT THE FULTON COUNTY ZONING PAGE AT WWW.FULTONCOUNTYGA.GOV/FCPCSD-HOME



CITY OF SOUTH FULTON, GEORGIA

2018 VARIANCE SCHEDULE

FILING DEADLINE DATE	PUBLIC NOTIFICATION SIGN POSTING DEADLINE	PUBLIC PARTICIPATION PLAN REPORT DUE	ZONING BOARD APPEALS (ZBA) HEARING
December 29, 2017*	January 26, 2018*	February 6, 2018	February 15, 2018
January 30, 2018	February 23, 2018	March 2, 2018	March 15, 2018
February 27, 2018	March 30, 2018	April 6, 2018	April 19, 2018
March 27, 2018	April 27, 2018	May 4, 2018	May 17, 2018
April 24, 2018	June 1, 2018	June 8, 2018	June 21, 2018
May 29, 2018	June 29, 2018	July 6, 2018	July 19, 2018
June 26, 2018	July 27, 2018	August 3, 2018	August 16, 2018

ZONING BOARD OF APPEALS (ZBA) HEARINGS BEGIN AT **1:00 P.M.** AT FULTON COUNTY SOUTH SERVICE CENTER, 5600 STONEWALL TELL ROAD, ATLANTA, GA 30349

NOTES: DATES ARE SUBJECT TO CHANGE AND MEETINGS MAY BE ADDED AS NEEDED.

***DATE CHANGED DUE TO HOLIDAY**

FOR THE MOST CURRENT ZONING INFORMATION PLEASE VISIT THE FULTON COUNTY ZONING PAGE:
www.fultoncountyga.gov/fcpcsd-home

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

RESOLUTION NO. 2018-004

**RESOLUTION APPROVING A JOINT RESOLUTION TO TRANSFER
JURISDICTION OF FULTON COUNTY, GEORGIA'S FIRE AND RESCUE
DEPARTMENT TO THE CITY OF SOUTH FULTON; AND FOR OTHER
PURPOSES.**

WHEREAS, the City of South Fulton ("City") is a municipal corporation created by the 2016 General Assembly pursuant to House Bill 514 ("H.B. 514") and duly organized and existing under the laws of the State of Georgia; and

WHEREAS, the City is charged with providing public services to residents located within the corporate limits of the City; and

WHEREAS, H.B. 514 provides the City with a twenty-four month transition period beginning on November 15, 2016 ("Transition Period") before the City must assume and exercise all powers of a municipality; and

WHEREAS, Section 1.12(11) of H.B. 514 provides for the creation of fire regulations in the City; and

WHEREAS, Section 1.12(27) of H.B. 514 provides for the creation of a fire fighting agency in the City; and

WHEREAS, the City has complied with its obligations regarding notice and a written plan to transition the Fire and Rescue Department; and

WHEREAS, the City desires to begin operating its Fire and Rescue Department on February 26, 2018; and

WHEREAS, the City Council wants to ensure that all people are safe and finds that it is in the best interest of all citizens of the City to provide for a fully-functioning Fire and Rescue Department in the City of South Fulton.

**THEREFORE, IT IS NOW RESOLVED BY THE CITY COUNCIL OF THE
CITY OF SOUTH FULTON, GEORGIA, AS FOLLOWS:**

1. The aforesaid recitals are not mere recitals, but are material portions of this Resolution.
2. The City Council approves the "Joint Resolution to Transfer Jurisdiction of Fulton County, Georgia's Fire and Rescue Department to the City of South Fulton; and for Other Purposes" attached to this Resolution as "Exhibit 1" and authorizes the Mayor, the City Clerk and the Interim City Attorney to execute Exhibit 1 on behalf of the City.

3. **Severability** - To the extent, any portion of this Resolution is declared invalid, unenforceable, or non-binding, that shall not affect the remaining portions of this Resolution.
4. **Repeal of Conflicting Provisions** - All City resolutions inconsistent with this Resolution are hereby repealed.
5. **Effective Date** - This Resolution shall be effective immediately upon approval by the City Council and Mayor as provided in the City Charter.

The foregoing Resolution No. **2018-004**, adopted on _____ was offered by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell, Mayor Pro Tem	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS RESOLUTION adopted this _____ day of _____ 2018. **CITY OF SOUTH FULTON, GEORGIA**

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

Item# Res2018-004 **Date** ____/____/____

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY

1 **A JOINT RESOLUTION TO TRANSFER JURISDICTION OF FULTON**
2 **COUNTY, GEORGIA’S FIRE AND RESCUE DEPARTMENT TO THE CITY OF**
3 **SOUTH FULTON; AND FOR OTHER PURPOSES.**

4 **WHEREAS**, the City of South Fulton (“City”) is a municipality created by the 2016
5 General Assembly pursuant to House Bill 514 (“H.B. 514”); and

6 **WHEREAS**, H.B. 514 provides the City with a twenty-four month transition period
7 beginning on November 15, 2016 (“Transition Period”) before the City must assume and
8 exercise all powers of a municipality; and

9 **WHEREAS**, the City has held municipal elections and elected a City Council with
10 the full authority to adopt ordinances and other legislation for the purposes of governing
11 the City of South Fulton; and

12 **WHEREAS**, Section 1.12 (11) of H.B. 514 provides for the creation of fire
13 regulations in the City; and

14 **WHEREAS**, Section 1.12 (27) of H.B. 514 provides for the creation of a fire
15 fighting agency in the City; and

16 **WHEREAS**, Article 4.2 of the May 1, 2017 Intergovernmental Agreement for the
17 provision of certain services between the City and the County (IGA) provides for one
18 hundred and eighty (180) days minimum notice before the termination of fire services in
19 the County in order to ensure the safety of the public and ensure a smooth transition to
20 the City; and

1 **WHEREAS**, the City has timely notified the County that it desires to begin
2 operating its Fire and Rescue Department on February 26, 2018; and

3 **WHEREAS**, pursuant to Article 4.2 of the IGA, the City has provided the County
4 with a written plan describing how the City plans to accomplish the tasks required to
5 create the new fire department and the projected time frame for the completion of the
6 task; and

7 **WHEREAS**, Articles 17, 18, 19, 20, 21 and 22 of the IGA provides for the
8 definition, management, services, overtime detail and special assignments,
9 recordkeeping and reporting and ancillary fire services of the fire and rescue
10 department services; and

11 **WHEREAS**, O.C.G.A. § 25-3-22 provides the constitutional authority for a fire
12 department to be legally organized to operate in the State of Georgia; and

13 **WHEREAS**, O.C.G.A. §§ 25-3-1 and 25-3-2 provide the constitutional authority
14 for the City to exercise its general and emergency powers if the City satisfies the
15 minimum requirements specified in Code Section 25-3-23 and the rules and regulations
16 of the Georgia Firefighter Standards and Training Council to function as a fire
17 department; and

18 **WHEREAS**, O.C.G.A. § 25-3-4 provides the constitutional authority for the
19 governing body of each county, municipality, or other political subdivision of the State
20 with the power to enact ordinances, regulations, or fire and life safety codes as may be
21 necessary to carry out this article; and

1 **WHEREAS**, the Board of Commissioners wants to ensure that all people are
2 safe and finds that it is in the best interest of all citizens of Fulton County, including the
3 citizens of the City, to provide for a fully-functioning Fire and Rescue Department in the
4 City of South Fulton.

5 **WHEREAS**, the County desires to transfer its Fire and Rescue Department as
6 well as the Georgia Search and Rescue (GSAR) and HAZMAT teams to the City of
7 South Fulton; and

8 **NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF**
9 **COMMISSIONERS OF FULTON COUNTY, GEORGIA**, that all jurisdiction necessary
10 for the City to operate its Fire and Rescue Department Services as set forth in Section
11 1.12 (27) of H.B. 514 shall be transferred from Fulton County to the City at midnight on
12 February 26, 2018.

13 **BE IT FURTHER RESOLVED**, that all assets associated with the Fleet and
14 Rescue Maintenance shall transfer in accordance with Article 17.3 as outlined in
15 Schedule B of the IGA, and pursuant to O.C.G.A. § 36-31-11.1, the control and title of the
16 fire stations shall transfer to the City from the County at a cost of \$5,000.00 for each
17 such fire station.

18 **BE IT FURTHER RESOLVED**, the County will continue to maintain fire services
19 as it relates to unincorporated parts of the Fulton Industrial Boulevard district (FIB).

1 **BE IT FURTHER RESOLVED**, that this Joint Resolution shall become effective
2 upon its adoption, and that all resolutions and parts of resolutions in conflict with this
3 Joint Resolution are hereby repealed to the extent of the conflict.

4
5 **SO PASSED AND ADOPTED**, this _____ day of _____, 20____.

6
7 **FULTON COUNTY BOARD OF COMMISSIONERS**

8
9 By: _____
10 Rob Pitts, Chairman
11 District 7, At-Large

12
13 ATTEST:

APPROVED AS TO FORM:

14
15 _____
16 Tonya Grier, Interim
17 Clerk to the Commission

18
19 _____
20 Patrise Perkins-Hooker, County Attorney

21 **CITY OF SOUTH FULTON, GEORGIA**

22
23 By: _____
24 William "Bill" Edwards, Mayor
25 City of South Fulton, Georgia

26
27 ATTEST:

APPROVED AS TO FORM:

28
29 _____
30 Mark Massey, City Clerk

31
32 _____
33 Josh Belinfante, Interim City Attorney

34
35 **Item#** Res2018-004 **Date** ____/____/_____
36
37

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MAYOR'S VETO

Section 3.21. Submission of Ordinance to the Mayor

(a) Every ordinance, resolution, or other action adopted by the city council shall be presented to the mayor for signature within five (5) business days following the adoption of such ordinance, resolution or other action by the city council. The mayor shall have the right to veto any ordinance adopted by the city council, in accordance with the procedure set forth in Section 3.21 of the City Charter.

(b) The mayor, within ten (10) business days following receipt of an ordinance, shall return it to the city clerk with or without the mayor's approval or with the mayor's veto. If an ordinance has been approved by the mayor or if it is returned to the city clerk neither approved nor disapproved, it shall become law upon its return to the city clerk. However, if the mayor fails to return an ordinance to the city clerk within ten (10) business days of receipt, it shall become law at 12:00 Midnight on the tenth business day after receipt. If the ordinance is vetoed by the mayor, the mayor shall submit to city council, through the city clerk, the reasons for the mayor's veto. The city clerk shall record upon the ordinance the date of its delivery to and its receipt from the mayor.

(c) An ordinance vetoed by the mayor shall automatically be on the agenda at the next regular meeting of the city council for reconsideration. The city council may override a veto by the mayor and adopt any ordinance that has been vetoed by the mayor by the affirmative votes of a least five (5) councilmembers, not including the mayor.

(d) In addition, the mayor may disapprove or reduce any item or items of appropriation in any ordinance or resolution. The approved part or parts of any ordinance or resolution making appropriations shall become law, and the part or parts disapproved or reduced shall not become law unless subsequently passed by the city council over the mayor's veto as provided herein. The disapproved or reduce part or parts of any such ordinance or resolution shall be presented to the city council as though disapproved and shall not become law unless overridden by the city council as set forth in subsection (c) of this section.

Date of Adoption: 12/12/2017 **Item Number:** Ord2017-037

Subject: **Changing the Charter – Naming of the City**

Reason for Veto: **SEE THE ATTACHED**

Date to Mayor: 12/15/2017 **Date of Veto:** 12/18/2017

Mayor's Signature: 

Date Received by City Clerk: 12-18-2017

Date to Councilmembers: 12-18-2017

I am vetoing Ordinance No. 2017-037, Changing the Charter – Naming of the City, for the following reasons:

- **The overwhelming response of the citizens**
- **The financial impact incurred by changing the name**
- **There are no significant timing issues associated with the naming**
- **All contracts and literature from inception is South Fulton**
- **From day one of this campaign for cityhood, we have been known as South Fulton**
- **Previous Cities who voted on cityhood used the name they were identified as, i.e. Sandy Springs, Johns Creek, Milton, etc.**

Finally, at this time, we have more urgent issues to deal with in order to set this City on a strong foundation to move forward. The naming of the City can be accomplished at any time. Remember, the City of Atlanta had two other names before the name Atlanta was accepted.

As of this veto, we will revert back to our original name, the City of South Fulton.

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

ORDINANCE NO. 2017-037

**AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF SOUTH
FULTON AMENDING SECTION 1.10 CHANGING THE NAME OF THE CITY
TO THE CITY OF “RENAISSANCE”**

WHEREAS, the City of South Fulton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia;

WHEREAS, Section 1.10 of the City Charter declares that the City shall be incorporated under the name of the “City of South Fulton;”

WHEREAS, Article IX Section II Paragraph II of the Constitution of the State of Georgia, entitled Home Rule for Municipalities, allows the General Assembly of the State of Georgia to provide by law for the self-government of municipalities, which the General Assembly has done with the Municipal Home Rule Act of 1965, O.C.G.A. § 36-35-1 *et seq.*;

WHEREAS, O.C.G.A. § 36-35-3 permits a municipality to amend its charter after 12 months have elapsed after the referendum to establish the City;

WHEREAS, the Citizens of the City voted to incorporate the City on November 8, 2016;

WHEREAS, O.C.G.A. § 36-35-3 allows municipal charters to be amended by ordinances duly adopted at two regular consecutive meetings of the municipal governing authority, not less than seven nor more than 60 days apart;

WHEREAS, on November 13, 2017, the City Council informally voted to change the name of the City to the City of “Renaissance;”

WHEREAS, pursuant to O.C.G.A. § 36-35-3, the required notice has been published in the Fulton County Daily Report once a week for three weeks prior to its final adoption, and a copy of the proposed amendment has been on file in the Office of the Clerk of the City of South Fulton and in the Office of the Clerk of the Superior Court of Fulton County, Georgia, all as required by law; and

WHEREAS, the required notice has been published within the statutory period of 60 days immediately preceding the final adoption of this Ordinance amending the Charter; and

WHEREAS, the title of this Ordinance has been read and the Ordinance duly adopted at two consecutive City Council meetings not less than 7 nor more than 60 days apart as required by Georgia law.

NOW THEREFORE, in accordance with O.C.G.A. § 36-35-3, the Mayor and City Council of the City of South Fulton, Georgia, pursuant to their authority, do hereby adopt this Ordinance so that the Charter of the City of South Fulton is hereby as follows:

Section 1: That the Charter of the City of South Fulton shall be amended in accordance with the above so that upon proper passage, the name of the City shall no longer be the “City of South Fulton” but shall be the City of “Renaissance.”

Section 2: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3: If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

Section 4: This ordinance shall become effective immediately upon its adoption by the City Council.

#####

The foregoing Ordinance No. **Ord2017-037**, adopted on **December 12, 2017**, was offered by Councilmember **khalid**, who moved its approval. The motion was seconded by Councilmember **Jackson**, and being put to a vote, the result was as follows:

“SECOND READING”

	AYE	NAY
William “Bill” Edwards, Mayor	<hr/>	<hr/>
Catherine Foster Rowell, Mayor Pro Tem	<hr/>	<hr/> √
Carmalitha Lizandra Gumbs	<hr/>	<hr/> √
Helen Zenobia Willis	<hr/>	<hr/> √
Gertrude Naeema Gilyard	<hr/> √	<hr/>
Rosie Jackson	<hr/> √	<hr/>
khalid kamau	<hr/> √	<hr/>
Mark Baker	<hr/> √	<hr/>

THIS ORDINANCE adopted this **12th** day of **December 2017**. **CITY OF SOUTH FULTON, GEORGIA.**

“SECOND READING”

WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

ORDINANCE NO. 2017-040

**ADOPTION OF ORDINANCE ESTABLISHING HISTORIC AND CULTURAL
LANDMARKS COMMISSION FOR THE CITY OF SOUTH FULTON**

WHEREAS, the City of South Fulton (“City”) is a municipal corporation organized and existing under the laws of the State of Georgia;

WHEREAS, the City Council is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs, and local government;

WHEREAS, the duly elected governing authority of the City is the Mayor and City Council;

WHEREAS, Section 1.12(b)(4) of the City Charter authorizes the City to regulate and license buildings and all other structures;

WHEREAS, the City is charged with preserving the health, safety, and welfare of its citizens; and

WHEREAS, the establishment of a Historic and Cultural Landmarks Commission regarding real property within the City’s borders is in the best interest of the City.

THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS
as follows:

Section 1: The City of South Fulton Code of Ordinances, Title 5, Zoning and Planning, Chapter 7, shall be as follows:

Title 5: Zoning and Planning

Chapter 7: Historic and Cultural Landmarks Commission

Section 5-7001: Creation and Appointment

a) There is hereby created the Historic and Cultural Landmarks Commission to be comprised of ten members (“Commission members”). Eight of the members shall be qualified electors of the City of South Fulton who are appointed to the Commission. The Planning and Development Director and the Building Official shall be ex officio, nonvoting members of the Historic and Cultural Landmarks Commission.

1. The Mayor and each City Council member shall appoint one representative to the Commission. The City Council shall appoint representatives

who have demonstrated their civic interest, general knowledge of the community, independent judgment and availability to prepare for and attend meetings. Whenever feasible, appointees should be practicing professionals from the fields of architecture, landscape architecture, history, urban planning, archeology, real estate, law, or other disciplines related to historic preservation.

2. All Historic and Cultural Landmarks Commission members, regardless of background, shall have a known and demonstrated interest, competence or knowledge in historic preservation and planning within the City of South Fulton, Georgia.

3. As nearly as is reasonably possible, the Historic and Cultural Landmarks Commission members as a whole shall fairly represent the ethnic makeup of the City of South Fulton.

Section 5-7002: Terms of Office

Historic and Cultural Landmarks Commission members shall serve for a term of two years. Newly appointed members shall be installed at the first regular meeting after their appointment. The members shall serve in places numbered 1 through 8. Members appointed in odd-numbered places shall serve terms, which expire October 1 of odd-numbered years. Members appointed to even-numbered places shall serve terms, which expire on October 1 of even-numbered years.

Vacancies shall be filled for unexpired terms. Commission members may be appointed to succeed themselves and shall serve at the discretion of the City Council until a new member is appointed in their place.

Section 5-7003: Organization

a) General

The chairman and vice chairman of the Historic and Cultural Landmarks Commission shall be elected by and from the members of the Historic and Cultural Landmarks Commission. The Historic and Cultural Landmarks Commission shall meet at least once every two months if business requires. Special meetings may be called at any time by the chair or by a vote of at least two of the Commission members.

b) Meetings and Quorum

Five members of the Historic and Cultural Landmarks Commission shall constitute a quorum for the conduct of business. Five affirmative votes shall be required to decide any issue before the Historic and Cultural Landmarks Commission. The Commission members shall regularly attend the meetings and public hearings of the Historic and Cultural Landmarks Commission and shall serve without compensation.

c) Attendance Reports

Once every two months, the Commission shall submit a report to the City Council showing the cumulative attendance of each member of the Historic and Cultural

Landmarks Commission, with notation of members who have been absent from three consecutive meetings.

d) Change Require Commission Recommendation

No changes shall be made to Title 5, Chapter 7 or the preservation plan without the recommendation of the Historic and Cultural Landmarks Commission first being entered at the required public hearings.

Section 5-7004: Power and Duties

The Historic and Cultural Landmarks Commission shall be empowered to:

1. Prepare rules and procedures as necessary to carry out the business of the Historic and Cultural Landmarks Commission, which shall be ratified by the City Council.
2. Create committees from among its membership to advise the Historic and Cultural Landmarks Commission in carrying out its powers and duties.
3. Administer the city's certified local government program.
4. Maintain written minutes, which record all actions taken by the Historic and Cultural Landmarks Commission and the reasons for such actions.
5. Increase public awareness of the value of historic, cultural, architectural and archeological preservation by developing and participating in public education programs.
6. Conduct ongoing surveys to identify and list significant historical, cultural, architectural and archeological resources.
7. Make recommendations for the employment of professional consultants as necessary to assist in carrying out the duties of the Historic and Cultural Landmarks Commission.
8. Create, maintain, revise and amend the historic resources survey.
9. Initiate and/or consider nominations, hold hearings and recommend to the City Council that certain structures and property be designated as "Highly Significant Endangered", "Historic and Cultural Landmark" or "Demolition Delay", or that an area containing two or more eligible structures be designated as a "Historic and Cultural Landmark District."
10. Maintain a current database of historic structures.
11. Adopt, enforce and amend design guidelines for structures designated

“Highly Significant Endangered” or “Historic and Cultural Landmark” or located in a Historic and Cultural Landmark District.

12. Hold hearings and make decisions concerning the issuance of Certificates of Appropriateness for demolition, relocation or other work on designated structures and, when appropriate, recommend salvage plans in connection with such demolition, relocation or other work.
13. Review public works and public utility projects to be constructed on the premises of, or immediately adjacent to, historic structures and make recommendations concerning whether they are appropriate to the character of the area.
14. Recommend enforcement actions to be taken against property owners who permit the demolition by neglect of a designated historic structure or property.
15. Advise and consult with the owners of historically and architecturally significant structures.
16. Propose incentive programs for rehabilitation of historically designated structures and properties.
17. Review requests regarding participation in historic preservation economic incentive programs and forward recommendations concerning such requests to the City Council.
18. Make recommendations to the City Council concerning the utilization of city, state, federal or private funds to promote historic preservation in the City.
19. Recommend recognition of the owners of structures or property designated in accordance by means of certificates, plaques or markers.
20. Recommend to the City Council that the City act as a conservator in the public interest through mediation, arbitration or, in extreme cases, litigation.
21. Recommend to the City Council that the City accept the donation of preservation easements and development rights as well as gifts for the purpose of historic preservation.
22. Exercise such other and further powers as may be conferred on the Historic and Cultural Landmarks Commission by City codes or ordinances.

Section 5-7005: Preservation Plan

The Historic and Cultural Landmarks Commission shall adopt, in cooperation

with the Planning Commission, a preservation plan to be considered when the City adopts its comprehensive plan. The preservation plan shall include:

- a) The historic resources survey;
- b) Criteria to be used in identifying and prioritizing sites; and
- c) General description of forms and styles found in City of South Fulton.

The plan will also include criteria for selecting and preserving structures and property. The plan will also set forth priorities not only among various historic sites but also between conflicting land use goals and shall include specific recommendations on how to resolve conflicts between competing uses. The plan will recommend the coordination required with other departments and other public and private groups to implement historic preservation.

The Historic and Cultural Landmarks Commission shall review the preservation plan every five years. Revisions may be made to the plan at any time in accordance with the rules and policies of the City.

Section 5-7006: Commission Interpretations and Amplifications

The Historic and Cultural Landmarks Commission is empowered to interpret its design guidelines, policies, procedures and rules for the benefit of the City's administrative staff, property owners or other interested parties.

Section 2: Severability

In the event any portion of this ordinance shall be declared or adjudged invalid or unconstitutional, it is the intention of the City Council of the City of South Fulton, Georgia, that such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this ordinance which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause or phrase were not originally a part of the ordinance.

Section 3: Repealer

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4: Effective Date

Unless specifically specified elsewhere in this Ordinance, the effective date of this Ordinance shall be immediately.

The foregoing **Ordinance No. 2017-040** was adopted on _____ was offered by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

“SECOND READING”

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell, Mayor Pro Tem	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

**THIS ORDINANCE adopted this _____ day of _____ 2017. CITY
OF SOUTH FULTON, GEORGIA.**

“SECOND READING”

WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

Item# Ord2017-040 **Date** ____/____/____

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

ORDINANCE No. 2017-041

AMENDMENT TO ETHICS ORDINANCE.

WHEREAS, the City of South Fulton (“City”) is a municipal corporation duly organized and existing under the laws of the State of Georgia; and

WHEREAS, the City Council is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs, and local government; and

WHEREAS, the duly elected governing authority of the City is the Mayor and City Council; and

WHEREAS, the Mayor and City Council deem it essential to the proper operation of a democratic form of government that public officials be, and give the appearance of being, independent, impartial, and responsible to their constituents; that governmental decisions and policies be made in the proper channels of the governmental structure; and that public office not be used for personal gain; and

WHEREAS, at its inaugural meeting on April 29, 2017, the City Council passed Ordinance No. 2017-003, which contained various provisions establishing municipal laws governing ethical standards of public officers and employees; and

WHEREAS, at the May 23, 2017 meeting of the Mayor and City Council, the City Council passed a resolution seeking certification of the City as a City of Ethics by the Georgia Municipal Association; and

WHEREAS, at the November 28, 2017 meeting of the Mayor and City Council, the City Council adopted an ordinance to bring the City’s Ethics Ordinance into compliance with the Georgia Municipal Association’s guidelines for a City of Ethics; and

WHEREAS, the City Council seeks to further revise the ethics ordinance as passed.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS as follows:

Section 1: The City of South Fulton Code of Ordinances, Title 1, Chapter 5, “Ethics Policy” is amended by striking those words struck below and adding those words underlined as follows:

**CHAPTER 5. – CODE OF ETHICS
Sec. 1-5001. - Declaration of policy.**

The purpose of this Code of Ethics is to:

- (a) Encourage high ethical standards in official conduct by City Officials;
- (b) Establish guidelines for ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible, inconsistent, damaging, or contrary to with the interests of the City and its citizens;
- (c) Require comprehensive disclosure by such officials of private, financial, or other interest in matters affecting the City and its citizens whether those interests are actual or potential; and
- (d) Serve as a basis for disciplining those who ~~refuse~~ do not to-abide by its terms, whether willfully, knowingly, or recklessly.

Sec. 1-5002. - Scope.

- (a) The provisions of this Code of Ethics shall be applicable to all City Officials as defined in Sec. 1-5003.
- (b) Notwithstanding anything herein to the contrary, state law and the City Charter shall be controlling in the event of an actual conflict with the provisions of this Code of Ethics. This ordinance shall be interpreted to supplement, and not replace, said provisions of state law and the City Charter.

Sec. 1-5003. - Definitions.

Solely for the purposes of this Code of Ethics:

- (a) *City Official* or *Official*, unless otherwise expressly defined does not include City employees but does mean the Mayor, members of the City Council, Municipal Judges (including substitute judges), City Manager, City Clerk, City Attorney, Heads or Managers of City Departments, and all other persons holding positions designated by the City Charter, as amended. The term “City Official” also includes all individuals, including any City employees, appointed by the Mayor and/or the City Council as appropriate, to serve on City authorities, commissions, committees, boards, task forces, or other bodies which can or may vote or take formal action or make official recommendations to the Mayor and/or City Council.
- (b) *Decision* means any ordinance, resolution, contract, franchise, formal action or other matter voted on by the City Council or other City board or commission, as well as the discussions or deliberations of the City Council, board, or commission which can or may lead to a vote or formal action by that body.
- (c) *Employee* means any person who is a full-time or part-time employee of the City.
- (d) *Immediate Family* means the spouse, mother, father, grandparent, brother, sister, son or daughter of any City Official related by blood, adoption or marriage. The relationship by marriage shall include in-laws.
- (e) *Incidental interest* means an interest in a person, entity or property which is not a substantial interest as defined herein and which has insignificant value.

(f) City Official's Partner means any City Official's Immediate Family member, a shareholder in a corporation where the City Official is also a shareholder, a member in any LLC where the City Official is also a member, or a partner in an LLP, Partnership, or other business entity where the City Official is also a partner. This definition shall also include any City Official's employee, supervisor, and the officers and directors or any corporation from which the City Official receives any benefit.

(g) Remote interest means an interest of a person or entity, including a City official, which would be affected in the same way as the general public. For example, the interest of an official in the property tax rate, general City fees, city utility charges or a comprehensive zoning ordinance or similar matters is deemed remote to the extent that the official would be affected in common with the general public.

(h) Substantial interest means an interest, either directly or through a member of the immediate family, in another person or entity, where:

(1) the interest is ownership of five percent or more of ~~the voting stock,~~ shares or equity of the entity or ownership of ~~\$5,000.00~~ \$500.00 or more of the equity or market value of the entity; or

(2) the funds received by the person from the other person or entity during the previous 12 months either equal or exceed:

(A) ~~\$5,000.00~~ \$100.00 and in salary, bonuses, commissions ~~or~~ professional fees, or in-kind compensation; or ~~\$5,000.00~~ \$100.00 in payment for goods, products or services, or

(B) ~~ten percent~~ two and one-half percent (2.5%) of the recipient's gross income during that period, whichever is less;

(3) the person serves as a corporate officer or member of the board of directors or other governing board of a for-profit entity other than a corporate entity owned or created by the City ~~Council~~; or

(4) the person is a creditor, debtor, or guarantor of the other person or entity in an amount of ~~\$5,000.00~~ \$500.00 or more.

Sec. 1-5004. - Prohibitions.

(a) No City Official shall violate the Constitution or the laws of the United States, the Constitution or laws of the State of Georgia, or the City Charter or Code of Ordinances of the City of South Fulton in performing his or her public duties.

(b) Other than what is required for the proper management and operation of City government, no City Official may independently direct the activities of staff or other appointed City Officials to coerce actions in violation of policy directives of the City governing authority.

(c) No City Official shall use such position or influence to secure special privileges or exemptions for himself or herself or others, or to secure confidential information for any purpose other than official duties on behalf of the City.

(d) No City Official, in any matter before the City Council or other City body, relating to a person or entity in which the official has a substantial interest, shall fail to disclose for the record such interest prior to any discussion or vote or fail to recuse himself/herself from such discussion or vote as set forth in Section 3.15(a) of the Charter.

(e) No City Official shall act as an agent or attorney for another in any matter before the City Council or other City body.

(f) No City Official shall directly or indirectly receive, or agree to receive, any compensation, gift, reward, or gratuity in any matter or proceeding connected with, or related to, the duties of his or her office or any other City office or City Official except as may be provided by law.

(g) No City Official shall enter into any contract with, or have any interest in, either directly or indirectly, the City except as authorized by state law.

(i) This prohibition shall not be applicable to the professional activities of the City Attorney in his or her work as an independent contractor and legal advisor on behalf of the City.

(ii) This prohibition shall not be applicable to an otherwise valid employment contract between the City and a City Official who is not elected (such as, by way of example, a City Manager, or Chief of Police).

(iii) Any official who has a proprietary interest in an agency doing business with the City shall make that interest known in writing to the City Council and the City Clerk.

(h) All public funds shall be used for the general welfare of the people and not for personal economic gain.

(i) Public property shall be disposed of in accordance with state law.

(j) No City Official shall solicit or accept other employment to be performed, or compensation to be received, while still a City Official if the employment or compensation could reasonably be expected to impair or compromise such official's judgment or performance of City duties.

(k) If a City Official accepts or is soliciting a promise of future employment from any person or entity who has a substantial interest in a person, entity or property which would be affected by any decision upon which the official might reasonably be expected to act, investigate, advise, or make a recommendation, the official shall disclose the fact to the City Council and shall recuse himself/herself and take no further action on matters regarding the potential future employer.

(l) No City Official shall use City services, facilities, personnel, contractors, equipment, or supplies for private purposes outside of their official duties, except to the extent such are lawfully available to the public.

(m) No City Official shall grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.

(n) A City Official shall not directly or indirectly make use of, or permit others to make use of, official information not made available to the general public for the purpose of furthering a private interest.

(o) A City Official shall not use his or her position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to such official or persons within the official's immediate family, or those with whom the official has business or financial ties amounting to a substantial interest.

(p) A City Official shall not order any goods and services for the city without prior official authorization for such an expenditure. No City Official shall attempt to obligate the City nor give the impression of obligating the City without proper prior authorization.

(q) No City Official shall draw travel funds or per diem from the City for attendance at meetings, seminars, training ~~or other educational, or other~~ events and fail to attend such events without ~~promptly~~ reimbursing the City ~~therefore within two business days.~~

(r) No City Official shall attempt to unduly influence the outcome of a case before the Municipal Court of the City of South Fulton nor shall any City Official engage in *ex parte* communication with a Municipal Court Judge of the City of South Fulton on any matter pending before the Municipal Court of the City of South Fulton.

(s) No City Official shall solicit or accept campaign contributions ~~in any government-owned building, on any government-owned property.~~

~~(t) No City Official shall use government owned property for any political or campaign related use.~~ No City Official shall use City services, facilities, personnel, contractors, equipment, supplies, or other property for campaign or political purposes.

(u) No City Official shall disclose or release any confidential information acquired by virtue of their office unless required by law or authorized by the City to do so. Nor shall any City Official use confidential information for personal or private gain, for themselves, any other person, or business entity.

Sec. 1-5005. – Conflict of Interest.

(a) A City Official may not participate in a vote or decision on a matter affecting an immediate family member or a person, entity, or property in which the official has a substantial interest. ~~If the City Official determines that a conflict exists,~~ the City Official must explain the conflict and not vote on or participate in the decision.

(b) A City Official who serves as a corporate officer or a member of the board of directors of a nonprofit entity must disclose their interest in said entity to the Mayor and City Council prior to participating in a vote or decision regarding the funding of the entity by or through the City.

(c) Where the interest of a City Official in the subject matter of a vote or decision is remote or incidental, the City Official may participate in the vote or decision and need not disclose the interest.

Sec. 1-5006. – Board of Ethics.

(a) **Purpose.** The purpose of the Board of Ethics is to review all complaints filed and determine whether there is clear and convincing evidence that a City Official has violated this ethics code.

(b) **Composition.** The Board shall be composed as follows:

(1) **Members.** The Board of Ethics shall consist of three persons, one appointed by the mayor, one appointed by the city council, and the third appointed by the first two above named subject to approval by a majority of the city council. The third member of the Board of Ethics shall be a member in good standing of the State Bar of Georgia.

(2) **Appointment and Term.** All members shall be residents of the City of South Fulton and shall serve a four-year term.

(c). Qualifications

(1) All members of the Board of Ethics shall be residents of the City for at least one (1) year immediately preceding the date of taking office and shall remain a resident while serving on the Board.

(2) No person shall serve as a member of the Board of Ethics if the person, or anyone in their immediate family, has, or has had within the preceding ~~one (1) year period, five-year period,~~ any interest in any contract or contracting opportunity with the city or has been employed by the City.

(3) Members of the Board of Ethics with any permit or rezoning application pending before the City, or any pending or potential litigation against the City or any City Official charged in the complaint shall be disqualified from serving on the Board of Ethics for that complaint. An alternate member of the Board of Ethics shall be selected in the same manner as the disqualified individual.

(4) No person shall serve on the Board of Ethics who has been convicted of a felony, unless such conviction has been pardoned and certified documentary evidence is produced to the satisfaction of the City Council to demonstrate that pardon. ~~involving moral turpitude in this state or any other state, unless such person's civil rights have been restored and at least ten years have elapsed from the date of the completion of the sentence~~

~~without a subsequent conviction of another felony involving moral turpitude.~~

(5) No person shall serve on the Board of Ethics who is less than 21 years of age, who holds a public elective office, who is physically or mentally unable to discharge the duties of a member of the Board of Ethics, or who is not qualified to be a registered voter in the City of South Fulton.

(6) Upon appointment, members of the Board of Ethics shall sign an affidavit attesting to their qualification to serve as a member of the Board of Ethics.

(7) Members shall be prohibited from engaging in city election political activities and from making campaign contributions to candidates in city elections during their terms as Board members and for ~~six months two~~ years prior to their appointment. A member who violates this subsection shall be ~~punished by removal~~ removed from the Board membership.

(d) The members of the Board of Ethics shall serve without compensation.

(e) The city council shall provide meeting space for the Board of Ethics and, subject to budgetary procedures and requirements of the City, such supplies and equipment as may be reasonably necessary for the Board to perform its duties and responsibilities.

(f) Members of the Board of Ethics may be removed by two-thirds vote of the city council for cause, including, but not limited to, failure to maintain any requirement for qualification to serve on the Board of Ethics.

Sec. 1-5007. – Procedure.

(a) All complaints shall be filed in the city clerk's office and a copy shall be forwarded to the Board of Ethics. Complaints may be filed only by residents of the City of South Fulton and any complaint filed by any other person shall be dismissed.

(b) Form of Complaints

(1) All complaints shall be submitted and signed under oath, shall be legibly drawn, and shall clearly address matters within the scope of this Code of Ethics. The person filing the complaint shall swear under oath at the time of the filing that he or she is a resident of the City of South Fulton, state his or her residence address (post office box is not sufficient) and home phone number, if they have one and if not their business or mobile phone number, if any. The complaint shall be supported by affidavit(s) based on personal knowledge, set forth such facts as would be admissible in evidence, and show affirmatively that the affiant is competent to testify to the matters stated therein. All document(s) referred to in the affidavit shall be attached to the affidavit(s).

(2) A complaint that does not meet the standard required by this ordinance shall be dismissed without prejudice. Repetitive failures to meet the standard imposed by this ordinance shall authorize the Board of Ethics to dismiss the complaint with prejudice.

(c) Investigation of Complaints

(1) Upon receipt of a complaint in proper form, the Board shall review it to determine whether the complaint is unjustified, frivolous, patently unfounded or fails to state facts sufficient to invoke the disciplinary jurisdiction of the City Council. The Board of Ethics is empowered to dismiss in writing complaints that it determines are unjustified, frivolous, patently unfounded or fail to state facts sufficient to invoke the disciplinary jurisdiction of the City Council; provided, however, that a rejection of such complaint by the Board of Ethics shall not deprive the complaining party of any action such party might otherwise have at law or in equity against the City Official.

(2) For complaints that are not dismissed, the Board of Ethics is empowered to collect evidence and information concerning any complaint and add the findings and results of its investigations to the file containing such complaint.

(3) Upon completion of its investigation of a complaint, the Board of Ethics is empowered to dismiss in writing those complaints which it determines are unjustified, frivolous, patently unfounded or which fail to state facts sufficient to invoke the disciplinary jurisdiction of the City Council; provided, however, that a rejection of such complaint by the Board of Ethics shall not deprive the complaining party of any action such party might otherwise have at law or in equity against the City Official.

(4) The Board of Ethics is empowered to conduct investigations, to take evidence, and to hold hearings to address the subject matter of a complaint. If during an investigation, the Board determines, based on clear evidence, that additional violations of the City Code of Ethics may have occurred, the Board is empowered to add those allegations to their findings that are submitted to the City Council.

(5) The Board of Ethics is empowered to adopt forms for formal complaints, notices, and any other necessary or desirable documents within its jurisdiction where the city council has not prescribed such forms.

(6) Findings of the Board of Ethics shall be submitted to the City Council for action.

(7) Politically-inspired complaints:

(A) Complaints that are submitted against City Officials between the beginning of the qualifying period for a municipal election when the City Official named in the complaint appears on the ballot and the certification of the same municipal election, may be accepted;

however, the Board of Ethics may not take any action on the complaint until after the certification of the municipal election.

(d) Service of Complaint

(1) The City Clerk shall serve the complaint on the City Official charged as soon as practicable but in no event later than seven (7) calendar days after receipt of a proper, verified complaint.

(2) Service may be by personal service, by certified mail, return receipt requested or by statutory overnight delivery.

(3) A hearing shall be held within sixty (60) calendar days after filing of the complaint. The Board of Ethics shall conduct hearings in accordance with the procedures and regulations it establishes but, in all circumstances, at least one hearing shall include the taking of testimony and the cross-examination of available witnesses.

(4) The decision of the Board of Ethics shall be rendered to Mayor and City Council within seven (7) calendar days after completion of the final hearing. At any hearing held by the Board of Ethics, the City Official who is the subject of inquiry shall have the right to written notice of the hearing and the allegations at least seven (7) calendar days before the first hearing, to be represented by counsel, to hear and examine the evidence and witnesses and, to oppose or try to mitigate the allegations.

(5) The City Official subject to the inquiry shall have also have the right but not the obligation of submitting evidence and calling witnesses. Failure to comply with any of time deadlines in this section of the ordinance shall not invalidate any otherwise valid complaint or in any way affect the power or jurisdiction of the Board of Ethics or the City Council to act upon any complaint.

(e) Penalty

(1) Any City Official who violates any provision of this Ethics Code shall be subject to public reprimand or censure by the City Council.

(2) In addition to Section (1), for any City Official who violates any provision of this Ethics Code other than Sec. 1-5012, the City Council may also:

(A) request the resignation of the City Official;

(B) assess a fine pursuant to the following schedule:

- (i) \$500.00 for the first violation within a 12-month period;
- (ii) \$1,000.00 for a second violation within a 12-month period;
- (iii) \$2,500.00 for any violation beyond a second violation within a 12-month period.

(3) If the City Council determines that criminal activity was uncovered during the investigation, they may refer the case to the law enforcement agency with appropriate jurisdiction for further investigation.

(4) No member of the governing authority shall use campaign funds to satisfy any penalty assessed pursuant to this section.

(5) The mayor or any councilmember shall be subject to removal pursuant to Section 2.16 of this charter for:

(i) Failing to pay any civil penalty within 30 days of assessment of such penalty pursuant to this section; or

(ii) Three or more violations of Sec. 1-5004 within a 12-month period.

(f) Appeal

(1) Any City Official or complainant adversely affected by the findings or recommendations of the Board of Ethics may obtain judicial review of such decision as provided in this Section.

(2) An action for judicial review may be commenced by filing an application for a writ of certiorari in the Superior Court of Fulton County within thirty (30) days after the decision of the Board of Ethics. The filing of such application shall act as supersedeas.

Sec. 1-5008. - Complicity.

No person shall, directly or indirectly, aid, abet, agree with, assist, encourage or solicit any City Official or a City Official's Partner in substantial interest to violate this chapter or to participate in any way in a violation of this chapter with or by another person.

Sec. 1-5009. – Reserved.

Sec. 1-5010. - Duty to leave meeting.

(a) To avoid the appearance of impropriety, after any City Official or a City Official's Partner in substantial interest is determined to have a conflict of interest or a potential conflict of interest in any matter, and once all questions relating to the conflict of interest have been answered to the satisfaction of the decision maker, the City Official shall immediately leave the meeting room, except that if the matter is being considered at a public meeting, the City Official may remain in the area of the room occupied by the general public. If a City Official who has a conflict of interest in a matter is present as a member of a body which is to consider the matter, the City Official shall leave his or her regular seat as a member of the body, and not return to it until deliberation and action on the matter is completed.

- (b) Nothing herein shall require members of voting bodies to leave their seats while action is taken regarding any item contained on a "consent agenda" on which there is no deliberation, the City Official's conflict has been disclosed, and the City Official abstains from voting on the item.

Sec. 1-5011. - Public contracts.

- (a) The City is prohibited from entering into any contract with a business in which a City Official or a City Official's Partner in substantial interest has a controlling interest without full disclosure as provided in this title.
- (b) Any City Official who has or may have a personal interest in any contract shall disclose such interest prior to the first of any of the events set forth in (1), (2), (3), and (4) below:
 - (1) The solicitation of a contract; or
 - (2) The bidding of a contract; or
 - (3) The negotiation of a contract; or
 - (4) The approval by the governing body of a contract.
- (c) In addition to any other remedies available in law or equity, any contract entered into in violation of this section may be voided by resolution of the City Council.
- (d) *Mandatory provision in independent contracts.* When the City contracts with any person to act on behalf of the City as an independent contractor, the contract shall include a provision which binds the independent contractor, as a condition of accepting the contract, to comply with the applicable provisions of this chapter and Charter. Any question about whether provisions are applicable, including the financial disclosure provisions, may be resolved by a written opinion of the City Attorney or by a decision of the Ethics Board. The governing body, if it deems it necessary or appropriate to do so, may adopt policies or guidelines to further define the circumstances under which any certain provision will or will not apply to independent contractors.

Sec. 1-5012. – Recommended Conduct for the Mayor and City Council.

(a) **Limitations.** No provision of this section shall be interpreted to infringe upon the Constitutional rights of any City Official. This section should be considered recommendations for best practices in representing the City and its governing authority. Because this section lists best practices and not requirements of City Officials, a complaint cannot lie against a City Official for any violation of this section. Any complaint against a City Official filed under this code section shall be dismissed by the Board of Ethics.

(b) **Declaration of Policy.** The public expects and deserves the highest standards of professional conduct from City Officials. The purpose of this section is to ~~encourage~~ establish a high standard for inter-personal conduct among the members of the City Council and to promote ~~good~~ transparent and trustworthy government in the City of South Fulton. City Council members are agents of the public whose

primary objective should be to address the needs of the citizens of the City of South Fulton, and therefore members must observe a code of conduct in their official duties.

(c) Expectations of City Council Members. All Council members should:

- (1) Regularly attend and fully participate in City Council meetings;
- (2) Demonstrate respect, kindness, and courtesy to others;
- (3) Prepare in advance of meetings and be familiar with items on the agenda;
- (4) Refrain from the use of technology during City Council meetings unless it is germane to presentations on the meeting agenda;
- (5) When possible and practical, Represent the City at ceremonial functions at the request of the Mayor;
- (6) Work to ensure public meetings are conducted efficiently;
- (7) Demonstrate honesty and integrity in all actions; and
- (8) ~~Avoid undermining~~ Work to build and uphold public confidence in City of South Fulton government.

(d) Campaigning and Electioneering.

- (1) City Council members may endorse candidates for any City Council seat or any other elected office.
- (2) City Council members shall not endorse any candidate for public office at or during an official City event or meeting.
- (3) City Council members shall refrain from mentioning anything regarding campaigns or any political activity at any official City event or meeting.

(e) Public Comments by City Council Members. When a Council member appears in an official capacity at any meeting, board, commission, agency, or organization, the Council member shall clearly delineate between the council member's personal opinions and those of the City.

- ~~(1) The opinions of City Council members can be attributed as opinions of the entire City governing authority. City Council members shall use caution when delivering an opinion whether in open meeting, in conversations, or through correspondence.~~
- ~~(2) If a Council member appears in an official capacity at any meeting, board, commission, agency, or organization to give a statement or testimony, the Council member shall clearly delineate between the council member's personal opinion and the affirmative statements or opinions expressed by the City's governing body.~~

(f) Decorum for City Council Meetings. The following protocols shall be observed for City Council meetings:

- (1) City Council members shall respect the Mayor, fellow City Council members, City staff, and members of the general public.
- (2) City Council members shall be punctual and keep comments germane to the subject matter being discussed.
- (3) City Council members shall practice civility, professionalism, and decorum in discussions and debate.
- (4) City Council members shall voice objections politely.
- (5) City Council members shall refrain from actions that indicate partiality, prejudice or disrespect toward any speaker or person appearing before the City Council.
- (6) City Council members shall refrain from making belligerent, derogatory, impertinent, slanderous, threatening, abusive, or disparaging comments.
- (7) City Council members shall refrain from shouting or physical actions that could be construed as threatening.

(g) **Standards of Conduct for City Council Members in the Use of Social Media.** The Code of Conduct for the Mayor and City Council requires members to act with decorum at City Council meetings and treat the Mayor, each other, the public and City staff with respect (Sec. 2-4012 (f)). These standards of conduct transfer and apply directly to a City Council's member's use of social media.

- a. Definition of Social Media. Social Media refers to freely accessible, third party hosted, interactive Internet technologies used to produce, post and interact through text, images, video, and audio to inform, share, promote, collaborate or network. A non-exhaustive list of examples of social media includes: Twitter, Facebook, Instagram, Snapchat, YouTube and LinkedIn.
- b. Prohibitions on Use of Social Media. City Council members:
 - (A) Shall not, via social media, intentionally or inadvertently post confidential information, particularly information arising from closed sessions of Council or committees;
 - (B) Shall not use social media as a platform to treat members of the public, one another, or staff without respect;
 - (C) Shall not use social media to engage in or encourage harassment, intimidation, bullying, or shaming of other fellow City Council members;
 - (D) Shall not use social media to engage in criticism of City staff;
 - (E) Shall not, through the use of a conduit, engage in any activities set forth in 1-4 above.

(h) **Exclusion of Mayor and City Council Members from Staff Meetings.** The Mayor and members of the City Council may not attend or be present at any staff meetings conducted by the City Manager with city officers or employees to the extent that their absence conforms to the requirements of the City Charter.

Sec. 1-5013. - Reserved.

Sec. 1-5014. - Reserved.

Sec. 1-5015. - Candidates: honesty in applications for positions.

No person seeking to become a public official, employee, contractor, volunteer or appointee to any public position shall make any false or materially misleading statement, certificate, mark, rating or report in regard to any test, certification, appointment or investigation, or in any manner commit any fraud, conceal any wrongdoing or knowingly withhold information about wrongdoing in connection with employment or service with the city or in connection with a work-related contract or service of any City Official.

Sec. 1-5016. - Financial disclosure statement—Filing.

Financial disclosure statements shall be filed as required by state law.

Sec. 1-5017. - Reserved.

Sec. 1-5018. - Reserved.

Sec. 1-5019. - Reserved.

Sec. 1-5020. - Reserved.

Sec. 1-5021. - Reserved.

Sec. 1-5022. - Reserved.

Sec. 1-5023. - Reserved.

Sec. 1-5024. - Reserved.

Sec. 1-5025. - Reserved.

Sec. 1-5026. - Reserved.

Sec. 1-5027. - Reserved.

Sec. 1-5028. - Reserved.

Sec. 1-5029. - Reserved.

Sec. 1-5030. - Severability.

If any provision of this chapter is held by any court or by any federal or state agency of competent jurisdiction to be invalid as conflicting with any federal, state or city charter provision now or hereafter in effect, or is held by such court or agency to be modified in any way in order to conform to the requirements of any such provision, the conflicting provision of this chapter shall be considered a separate, distinct and independent part of this chapter, and such holding shall not affect the validity and

enforceability of this chapter as a whole, or any part other than the part declared to be invalid.

- (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this chapter are or were, upon their enactment, believed by the mayor and council to be fully valid, enforceable and constitutional.
- (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this chapter is severable from every other section, paragraph, sentence, clause or phrase of this chapter. It is hereby further declared to be the intention of the mayor and council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this chapter is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this chapter.
- (c) In the event that any phrase, clause, sentence, paragraph or section of this chapter shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the mayor and council that such invalidity, unconstitutionally or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the chapter and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the chapter shall remain valid, constitutional, enforceable, and of full force and effect.

The foregoing **Ordinance No. 2917-041** was adopted on _____ was offered by Councilmember **Gumbs**, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

“SECOND READING”

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell, Mayor Pro Tem	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS ORDINANCE adopted this _____ day of _____ **2017.**
CITY OF SOUTH FULTON, GEORGIA.

“SECOND READING”

WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

Item# _____ Date ____/____/____

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

ORDINANCE NO. 2018-001

**AN ORDINANCE TO ESTABLISH REGULATIONS FOR HOTELS, MOTELS
AND EXTENDED STAY HOTELS; TO PROVIDE FOR SEVERABILITY; TO
REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE
DATE; AND FOR OTHER PURPOSES.**

WHEREAS, the City of South Fulton is an incorporated Georgia municipality that is authorized to enact ordinances; and

WHEREAS, the duly elected governing authority of the City of South Fulton, Georgia is the Mayor and Council thereof; and

WHEREAS, the Mayor and Council have, as a part of planning, zoning and growth management, been studying the City's best estimates and projections of the type of development which could be anticipated within the City; and

WHEREAS, the Mayor and Council have a strong interest in growth management and the promotion of health, safety, aesthetics and the general welfare of the community; and

WHEREAS, in *Kelo v. City of New London*, 545 U.S. 469 (2005) and *Berman v. Parker*, 348 U.S. 26 (1954), that "general welfare" include the valid public objectives of aesthetics, conservation of the value of existing lands and buildings within the City, making the most appropriate use of resources, preserving neighborhood characteristics, enhancing and protecting the economic well-being of the community, facilitating adequate provision of public services, and the preservation of the resources of the City; and

WHEREAS, the Mayor and Council are interested in developing cohesive and coherent land use regulation to promote community development through stability, predictability and balanced growth which will further the prosperity of the City as a whole; and

WHEREAS, the Mayor and Council have determined that to serve the needs of the community the code should be amended to ensure the healthy, safety and welfare of the citizens of the City who will be positively impacted by the adoption of the Ordinance;

THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS
as follows:

Section 1: The City of South Fulton Code of Ordinances, Title 5, Zoning and Planning, is hereby amended by establishing "Chapter 6: Extended Stay Lodging" as follows:

TITLE 5 – ZONING AND PLANNING

CHAPTER 6 – EXTENDED STAY LODGING

Sec. 5-6001 – Definitions

For purposes of this section, the following definitions are applicable.

1. *Extended-Stay Hotel* means any Hotel with six (6) or more guest rooms, and where more than five percent (5%) of the guest rooms located therein contain a fixed cooking appliance.
2. *Fixed Cooking Appliances* includes a stove top burner, a hotplate that does not serve as an integral part of an appliance designed solely to produce coffee, a conventional oven, a convection oven, or any oven producing heat using resistance heating elements, induction heating, or infrared heating sources; provided, however, a microwave oven shall not be considered a fixed cooking appliance.
3. *Hotel* means any hotel, motel, inn, or establishment that offers overnight accommodations to the public for hire.
4. *Natural disaster* means a flood, tornado, hurricane, earthquake or other occurrence for which the President of the United State has made a federal disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5206. If the State of Georgia's definition of "Natural Disaster" found in O.C.G.A § 50-1-9 differs from the definition herein, the definition in O.C.G.A § 50-1-9 shall control.
5. *Proper identification* means a current and valid government issued photo identification card such as a driver's license, military identification card, state identification card, or passport.
6. *STR Chain Scales Report* means a report produced by Smith Travel Research, a leading lodging industry data and benchmarking firm, which is updated on an annual basis to reflect equivalent Average Daily Rates (ADR) across lodging chains within a particular market or geography.
7. *Written contract* means a written contract between the Extended-Stay Hotel and any guest or agent of such guest, other than any standard agreement entered into between a hotel and any guest by virtue of payment of a deposit or room rate or any standard agreement for the reservation of a block of hotel rooms.

Sec. 5-6002: Provisions Applicable To Hotel Guests Paying In Cash.

- (a) The operator of every hotel shall require every guest paying in cash for the occupation of a room or rooms to provide proper identification prior to renting a room.
- (b) A record shall be kept on file for the duration of the occupancy and for sixty (60) days thereafter. For the purposes of this Code section, the term “record” shall mean the hotel’s electronic guest registration system which stores guest identifying information such as the guest’s name and address. In the event the hotel does not have an electronic guest registration system, the hotel shall capture the guest(s)’ name and address. For purposes of the section, the term “capture” shall mean the guest(s)’ name and address shall be written in a book/register inscribed with ink or indelible pencil.
- (c) The record required by this Code Section shall be signed by the person renting a room or someone of his authority, and the operator of the hotel or his agent. The record shall also, electronically or with ink or indelible pencil, document the number of the room assigned to and occupied by such guest, together with the time when such room is rented. Until all of the aforesaid entries have been made, no guest shall be permitted to occupy any room in such hotel or motel.
- (d) Such record is subject to inspection at all times provided that the City produces appropriate legal authorization through a warrant or subpoena.

Sec. 5-6003: Provisions Applicable To Extended Stays By Hotel Guests

- (a) No Hotel within the City shall allow any person to occupy such Hotel for more than thirty (30) days during a one hundred eighty (180) day period.
- (b) Subsection (a) of this Code Section shall not apply to a guest of an extended stay hotel who:
 - (1) Executes a written contract with the extended-stay hotel; and
 - (2) Is affiliated with a specific business entity that desires such occupation of an employment-related purpose which requires temporary occupancy, including but not limited to relocation service; or a government, charity, or insurance agency desires such occupation to house families as a result of a natural disaster.

Section 5-6004: Provisions Applicable To Extended Stay Hotels

- (a) No extended-stay hotel shall be initially constructed or thereafter operated, and no hotel may be converted to be, and operated as an extended stay hotel unless in full compliance with each of the following provisions:
 - (1) Square footage requirements.

- (A) The minimum square footage per guest room of an extended-stay hotel shall be three hundred (300) square feet and limited to two adults per room. An additional person is allowed per each additional one hundred fifty (150) square feet, for a maximum of four people.
- (B) The extended stay hotel shall include a minimum of one thousand (1,000) square feet of recreational use by guests, and a minimum of twenty-five percent (25%) of the lot area shall be dedicated to such recreational use and passive recreation.
- (2) The extended-stay hotel shall be less than three (3) stories in height.
- (3) The extended-stay hotel shall provide a one-hundred (100) foot undisturbed buffer from any property zoned for multi-family residential purposes and/or a 200-foot undisturbed buffer from any property zoned for single-family residential uses.
- (4) The extended stay hotel must have enclosed, heated and air-conditioned laundry space containing at least three clothes washers and three clothes dryers for guests. Such clothes washers and clothes dryers shall be in good working order.
- (5) Maid service shall be included within the standard room rate of an extended-stay hotel. Maid service shall be provided no less than two (2) times per week for each occupied guest room.
- (6) Parking areas of extended-stay hotels must have secured parking.
- (7) No person is to occupy a room for more than 15 days in succession, and no more than 60 days during a 180-day period. Equally, no guest residing for more than 15 days in succession can move from one room to another without a two-day vacancy in between. Notwithstanding this Section 5-6004(7), a stay in excess of fifteen (15) consecutive days within a one hundred eighty (180) day period may occur in an extended stay hotel in the following situations:
 - (A) The guest is affiliated with a specific business entity desires such occupation for an employment-related purpose which requires temporary occupancy, including but not limited to relocation services; or
 - (B) A government charity, or insurance agency desires such occupation to house families in a natural disaster.
- (8) Each guest room of an extended stay hotel shall be equipped with a sprinkler system and hard-wired smoke detector approved by the fire marshal.

- (9) The common areas and unoccupied rooms of the extended-stay hotel are subject to inspection by the following departments of the City: police, fire, code enforcement, and the Fulton County Health Department.
- (b) Extended stay hotels shall be classified as one of the following chain segments to operate in the city: upper midscale; upscale; upper upscale; or luxury as classified by the STR Chain Scales Report. No extended stay hotel shall be constructed or thereafter operated unless it is classified in one of the applicable segments. The City may re-evaluate the chain scale classification every twelve (12) months to reflect current market conditions.
- (c) No occupational tax certificate shall be issued for conduct of business from a guest room of an extended-stay hotel, and no home occupation shall be conducted from such room.
- (d) An extended-stay hotel that fails to meet the requirements of this Chapter is prohibited from offering Fixed Cooking Appliances in more than five percent (5%) of its total guest rooms. Further, any extended-stay hotel that fails to meet the requirements of this section shall be subject to citation for each day of noncompliance. Each day of noncompliance shall constitute a separate offense punishable by a separate citation and fine.

Section 2. If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance

Section 3. All ordinance and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 4. This ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

Section 5. Penalties in effect for violations of the Zoning ordinance of the City of South Fulton at the time of the effective date of this Ordinance shall be and are hereby made applicable to the Ordinance and shall remain in full force and effect.

Section 6. The effective date of the ordinance shall be the date of adoption unless otherwise specified herein.

The foregoing Ordinance No. **2018-001** adopted on _____ was offered by Councilmember _____, who moved its approval. The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

“FIRST READING”

	AYE	NAY
William “Bill” Edwards, Mayor	_____	_____
Catherine Foster Rowell, Mayor Pro Tem	_____	_____
Carmalitha Lizandra Gumbs	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Rosie Jackson	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS ORDINANCE adopted this _____ day of _____ 2017.

CITY OF SOUTH FULTON, GEORGIA.

‘FIRST READING’

WILLIAM “BILL” EDWARDS, MAYOR

ATTEST:

MARK MASSEY, CITY CLERK

Item# Ord2018-001 Date ____/____/____

APPROVED AS TO FORM:

JOSH BELINFANTE, INTERIM CITY ATTORNEY